IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2619 OF 2005

Shanu Ranchhod Patel ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr.Uday P.Warunjikar for Petitioner.

Mrs.Geeta P.Mulekar, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 24, 2005.

P.C.

1. Heard Counsel for the Petitioner. The argument that the cheque in question has been misused after the same was stolen, cannot be the basis for quashing of the complaint, especially in the light of the fact that the cheque is dated 25th February 2005 and was presented before the complaint regarding stolen cheque was reported on 29th April 2005, which is fairly accepted by the Counsel during the arguments.

2. In the circumstances, the relevant question which will have to be considered in the present proceedings is about the legal liability of the Petitioner and the above argument cannot be the basis for quashing of the criminal complaint. All those questions, at best, would be relevant for the trial. Hence, dismissed.

A.M.KHANWILKAR, J.